be refused admittance from time to time, at any reasonable hour, to make inspection of any work, then for that purpose it shall be lawful for such surveyor or for such official referees, and they are hereby empowered, by and with the aid of a peace officer, to enter upon the ground, building and premises where the same shall be.

All Buildings not according to this Act declared a Nuisance—Summons before Justices—Recognizances to pull down and amend—Imprisonment—Removal of Buildings declared Nuisances—Expenses.

18. And for the purpose of more effectually enforcing the observance of the provisions of this Act, be it enacted, with regard to any buildings, drains, timber buildings, chimneys and flues, party-walls, party fence-walls, external walls and projections, and every other part of every building of every class, or rate of any class, which shall be hereafter built, rebuilt, enlarged or altered within the limits of this Act, contrary to the provisions hereof, as far as relates to the removal thereof, that if the same be not built, rebuilt, enlarged or altered in the manner and of the materials and in every other respect according to, and in conformity with, the several rules and directions which are in this Act particularly specified; and if any person build or begin to build, or cause the building or beginning to build, or alter, or cause to be altered, or use or cause to be used any part of any ground or building, projection, drain or other thing contrary thereunto; and if, in either of such cases, it so appear by the certificate of the official referees; then the said building, projection, drain or other thing, or such part thereof so irregularly built or begun to be built, or so irregularly altered or begun to be altered, or so used, shall be deemed a nuisance; and that thereupon it shall be the duty of the surveyor, and he is hereby directed to summon the builder before any two justices of the peace; and that thereupon it shall be the duty of such builder, as such justices shall require, and he is hereby required to enter into a recognizance in such sum as the said justices shall appoint, for abating and taking down the same within such convenient time as the said justices shall respectively appoint, or otherwise for amending the same according to such rules and directions as are herein mentioned, and also for paying the costs, charges and expenses incurred by the surveyor in laying the information and obtaining the conviction, including such compensation for the surveyor's loss of time as the said justices shall think fit; and that if the party so required fail to enter into such recognizance, then it shall be lawful for either of such justices or any justice, and they are hereby required to commit such builder to the common gaol of the city, county or liberty where the offence shall be committed, there to remain without bail or mainprize until he shall have abated or demolished or otherwise amended such irregular building, or such nuisance shall be abated or demolished by order of such justices respectively (which order the said justices are hereby empowered to make), and until the costs, charges and expenses thereof, and of all operations and proceedings in relation thereto, shall have been paid: and further, that if application be made to any two or more justices, then, thereupon, it shall be their duty, and they are hereby empowered to order the surveyor or any other person to abate or demolish such nuisance, and to order the persons authorized by them so to abate or demolish the same, to sell and dispose of the materials thereof, and, out of the moneys arising by such sale, to pay to themselves, and all persons by them employed for such purpose, the reasonable charges for abating or demolishing such nuisance, and also such costs and expenses as aforesaid, and to pay the surplus moneys arising by such sale (if any) to the owner of the building; and that if the moneys arising by such sale be not sufficient to pay such charges, then such owner, or, if there be no owner, then it shall be the duty of the occupier to make good the deficiency; and if he fail, then he shall be liable to the same remedies for the recovery thereof as are by this Act provided concerning the expense of taking down ruinous buildings, and putting up boards for the safety of passengers.

PARTY WALLS—PARTY FENCES—INTERMIXED BUILDINGS.

Fifty Shillings Penalty on Workmen offending—Imprisonment.

19. And be it enacted, with regard to any building or work, so far as relates to the non-observance of the provisions of this Act in that behalf by workmen and others, that if any workman, labourer, servant or other person employed in any building, or in the alteration, fitting up or decoration of any building, wilfully, carelessly or negligently, and without the direction, privity or consent of the person causing such work to be done, do any thing in or about such building contrary to the rules and directions of this Act, then upon conviction thereof before any two justices of the peace, upon the oath of one or more credible witness or witnesses (which oath the said justices and every such justice is hereby empowered and required to administer), every such offender shall be liable to forfeit for every such offence a sum not exceeding fifty shillings; and that if any such forfeiture be not paid upon or immediately after such conviction, then it shall be the duty of any such justice to whom application shall be made, to commit the offenders by warrant under the hand and seal of such justices to the common gaol for any term not exceeding one month, at the discretion of such justices.

Execution of Works.

20. And forasmuch as, from time to time, occasion hath arisen and will hereafter arise, to execute the following works in relation to adjoining buildings and premises, parted by the same party wall or party fence-wall, but belonging to different owners, or occupied by different persons, or to buildings intermixed, belonging to different owners, or occupied by different persons; namely—the reparation of the party-walls by which such premises shall be parted; the pulling down and rebuilding of such party-walls; the raising of such party-walls; the reparation of party fence-walls; the rebuilding of such party fence-walls; the raising of such party fence-walls; the pulling down timber partitions parting the buildings of different owners, or occupied by different persons, and in lieu thereof to build proper party-walls; the pulling down buildings built over public ways, or having rooms or stories, the property of different persons, or occupied by different persons, being intermixed, for the purpose of building proper party-walls or party-arches; and generally the performance of other necessary works incident to the connection of such party-walls or party fence-walls with the premises adjoining; it is expedient to make provision, as well for facilitating the execution of such works by any such owner desirous to execute the same—who is herein denominated the "building-owner;" as for protecting the interests of the owner of the adjoining premises—who is herein denominated the "adjoining owner;" now for that purpose, be it enacted, with regard to all premises parted by a party-wall or party fence-wall, or parted by timber partitions, and with regard to all intermixed properties not so parted, so far as relates to the execution of any such works by any owner of any such premises, that if the adjoining owner shall have consented thereto, or if, without such consent, the required notice of such work shall have been given by or on the part of the building-owner to such adjoining owner, then, subject to such modification as shall be made by virtor of the provision in that behalf; and subject to the provision for supplying the want of consent of the owners; and subject moreover to the respective conditions hereby prescribed, with regard to such works respectively, as well as to the payment of the costs of such works, and to the sanction or to the award of the surveyors or of the official referees, as hereby prescribed in reference thereto, it shall be lawful for every such building-owner and he is hereby authorized or required to execute such works.

Consent of, or Notice to, adjoining Owner.

21. And be it enacted, with regard to such works, so far as relates to the notice thereof, that unless the adjoining owner consent thereto, it shall not be lawful for the "building-owner" to execute such works, until he have given notice thereof to such "adjoining owner;" and every such notice, with regard to the pulling down, rebuilding or repairing of party-walls or party fence-walls, must be given one month, at the least, before the survey of the work is to be made, and six months, at the least, before the work is to be commenced; and every such notice, with regard to the pulling down and rebuilding intermixed walls and timber partitions, must be given six months, at the least, before such work is to be commenced; and every such notice must be in the form or to the effect of the notice (and to the *right*) for that purpose contained in the schedule of notices hereunto annexed.

Modification of Work to suit adjoining Owner—Delay of Operations—Application to Official Referees—Authority to Build.

22. And be it enacted, with regard to every such work, so far as regards the modification thereof, in order to render it suitable to the premises or to the convenience of the adjoining owner or his tenant, that if the adjoining owner decline that any modification be made in the work so as to render it suitable to his premises, or if he desire that the work be delayed, so as to cause it to be executed at a more convenient or a more convenient time in reference to the business or to the family or domestic arrangements of such adjoining owner or his tenants, then, within *seven* days after the receipt of notice thereof, it shall be the duty of the building-owner, and he is hereby required to signify his consent to or dissent from such modification or delay; and that if the building-owner do not within such *seven* days signify his consent to such modification or delay, then it shall be lawful for the adjoining owner, and he is hereby entitled, to require the building-owner to delay the work and the decision of the official referees shall have effect therein; and that if within seven days thereafter application be made in writing to the official referees, and notice thereof be given to the building-owner, then it shall be the duty of the building-owner to delay the work until the decision of such official referees shall have been given therein; and that if, within the period of six months from the date of the first notice, such adjoining owner do not make any objection or any regulation in conformity with this enactment, then subject to the provisions of this Act with regard to such works, it shall be lawful for the building-owner and he is hereby authorized to proceed to execute the same.

Supplying Want of Consent of adjoining Owners—Notice of Inspection by Surveyor—Notice to Parties—Confirmation by Official Referees—Proceedings on Appeal against Certificate—Notice by Official Referees—Survey—Award—Works Authorized.

23. And be it enacted, with regard to any such works being authorized to be done in relation to party-walls, party-arches, party fence-walls, or other such structures, or to the owners of adjoining buildings

We think it would be burthensome to the surveyors and official referees, if refused admission to premises, to require the aid of a peace officer unless violence be used towards them.

The clause would run better if written—

"The pulling down of timber-*partitions which put buildings which are the property of different owners, or which are occupied by different persons, for the purpose of building in lieu thereof proper party-walls.*"

The words should be—"*The pulling down of buildings.*"